

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL R WILES JR,

Plaintiff,

V.

MARY SCOTT,

Defendant.

CASE NO. C12-5722 BHS-JRC

## REPORT AND RECOMMENDATION

NOTED FOR: JULY 12, 2013

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge, J. Richard Creature. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

The United States Post Office returned mail sent from the Court to plaintiff on March 7, 2013 (ECF No. 16). It has been sixty days since the return of that mail and plaintiff has not provided the Court with an updated address.

Local Rule 41(b)(2) provides as follows:

A party proceeding pro se shall keep the court and opposing parties advised as to his or her current mailing address and, if electronically filing or receiving notices electronically, his or her current email address. If mail directed to a pro se plaintiff by the clerk is returned by the Postal Service, or if email is returned by

1 the internet service provider, and if such plaintiff fails to notify the court and  
2 opposing parties within 60 days thereafter of his or her current mailing or email  
3 address, the court may dismiss the action without prejudice for failure to  
4 prosecute.

5 Because it has been more than 60 days without notification from plaintiff, the Court  
6 recommends that this action be dismissed without prejudice.

7 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
8 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.  
9 6. Failure to file objections will result in a waiver of those objections for purposes of de novo  
10 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit  
11 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on July  
12 12, 2013, as noted in the caption.

13 Dated this 11<sup>th</sup> day of June, 2013.



14 J. Richard Creatura  
United States Magistrate Judge